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G PHN13241

EXAMINER

TON, D

ART UNIT

PAPER NUMBER

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C/O U. S. PHILIPS CORP.  
INTELLECTUAL PROPERTY DEPT.  
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TARRYTOWN, NY 10591

2603  
DATE MAILED:

11/13/91

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.  
A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☒ Claims 1-28 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☒ Claims 1-28 are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_ Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
- ☒ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

1. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

#### Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the title of the invention, each of the lettered items should be preceded by the headings indicated below.

- (a) Title of the Invention.
  - (b) Cross-References to Related Applications (if any).
  - (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).
  - (d) Background of the invention.
    1. Field of the Invention.
    2. Description of the Related Art including information disclosed under 37 C.F.R. §§ 1.97-1.99.
  - (e) Summary of the Invention.
  - (f) Brief Description of the Drawing.
  - (g) Description of the Preferred Embodiment(s).
  - (h) Claim(s).
  - (i) Abstract of the Disclosure.
2. Applicant is reminded of the proper language and format of an Abstract of the Disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said", should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The drawings are objected to because all blocks should be

labeled with descriptive legends. Correction is required.

4. Claims 1-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ The phrase "for example" in claims 1 and 11 is vague and indefinite because it does not clearly indicate what's claimed?

✓ In claim 1, "said signal" lacks antecedent basis. Is it a wide-band digital signal or a digital audio signal or what?

✓ In claim 1, it is not clear what is meant by "which is constructed to generate a second digital signal and supply said signal to an output"?

✓ The phrase "the number of information packet ~~is~~" is vague and indefinite.

✓ In claim 1, line 27, "and in that" is not clear.

In claim 1, it is not clear what is meant by "the number of information packets in a number of the other frames is equal to  $p'+1$  so as to exactly comply with the requirement that the average frame rate of the second digital signal should be substantially equal to  $FS/pS$ "?

✓ The phrase " $p'$  being the next lower integer following  $P$ " is not clear.

✓ In claims 5, 6, 8, 13, 25 and 27-28, "(if present)" is not clear and the parenthesis should be removed.

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In claim 8, "said samples" lacks antecedent basis. Are they the samples of the subband signals or what?

In claims 11 and 12, "said subband" lacks antecedent basis. Is it a specific subband, subband signal, a second subband signal component or what?

In claim 15, it is not clear what is meant by "the scale-factor information is inserted in the third frame portion before the quantised subband signal components"?

In claim 16, "the (p'+1)-st information" is not clear.

In claim 24 and 26 "information" is not clear what is information preferred to.

Claims 2-4, 7, 9-10, 14 and 17-23 are rejected since they depend from claim 1.

5. Claims 1-28 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brusewitz, Crouse et al. and Beraud et al. are all cited to show a method and means for variable length coding or a table controlled dynamic bit allocation in a variable rate sub-band speech coder which is considered pertinent to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang Ton whose telephone number is (703) 308-0465.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0962.

D. TON:lm *LD*  
November 05, 1991

*Douglas W. Olms*  
DOUGLAS W. OLMS  
SUPERVISORY PATENT EXAMINER  
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